

**City of Chula Vista
And
Western Council of Engineers**

Side Letter of Agreement


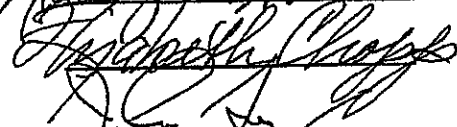
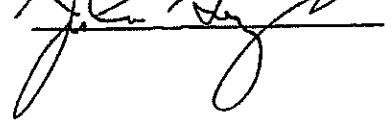
The parties agree to the following Side Letter of Agreement:

1. In light of the City's budget deficit, WCE will give up the 4% COLAs provided for in Article 2.01 of the MOU with the City effective January 1, 2009 and January 1, 2010. The City agrees that WCE members can take five days of special leave with pay in both 2009 and 2010.
2. The City agrees that the above concessions avoid the layoff of two Associate Engineers in General Fund positions through June 30, 2010.
3. The savings generated by the above concessions by WCE will be used to avoid layoffs of WCE-represented members. If the City uses the savings generated by WCE giving up these COLAs to avoid layoffs in another bargaining unit, this Side Letter will become null and void, and the City must pay the full 4% COLAs effective January 1, 2009 and January 1, 2010 to WCE-represented employees.
4. The parties will extend all other terms of the current MOU for two years, such that it will now expire on June 30, 2012, instead of June 30, 2010.
5. Either party can request a reopener on the issue of wages as addressed in Article 2.01 during the periods of July 1, 2010 through September 30, 2010 and/or July 1, 2011 through September 30, 2011, with any changes to take effect during the calendar years of 2011 and 2012, respectively.
6. If the City has been notified by March 31, 2009, that it will receive at least \$3 million from the San Diego Regional Economic Stimulus Proposal (see SANDAG memo dated December 5, 2008) or any other capital-related economic stimulus package distributed through a federal, state, or regional governmental authority, and that such funds will be received or a notice to proceed has been received from the funding source by June 30, 2009, then the City will agree not to eliminate the position of a Senior Civil Engineer supported by the Development Services Fund (that position is currently identified for elimination).
7. The City agrees to "backfill" (i.e. reinstate from the layoff list, hire or place another qualified employee into that position rather than eliminating the position) any General Fund position vacated by a WCE-represented employee, provided the position is vacated on or before June 30, 2009.

8. In addition to the reopener described above in paragraph 5, WCE may request a reopener to discuss possible additions to the list of represented positions in Article 1.02. Recognition may be discussed and implemented during the term of this MOU, and the extended term of the MOU, with the concurrence of WCE and the City.

This Side Letter is executed on January 9, 2009.

Western Council of Engineers

City Of Chula Vista

